



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

## APPLICATION FOR ADMINISTRATIVE DEVIATION APPROVAL (Building Setbacks)

Date: \_\_\_\_\_

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: \_\_\_\_\_

Phase/Section/  
Area, etc.: \_\_\_\_\_ Lot  
Number: \_\_\_\_\_

Project Street Address: \_\_\_\_\_

Shelby County Tax Parcel ID#: \_\_\_\_\_

Building or Site Use: \_\_\_\_\_

Class of Work: \_\_\_\_\_ New \_\_\_\_\_ Addition

Existing Zoning District: \_\_\_\_\_

Requested Setback

Encroachment of \_\_\_\_\_ Feet into: \_\_\_\_\_ Front SB \_\_\_\_\_ Side SB \_\_\_\_\_ Rear SB

### Requested Administration Deviation:

#### Building and Parking Placement (Please circle all that apply)

- **Setback encroachment** – increase of up to 20% of the maximum permitted setback and up to 10% of the minimum permitted setback. (see UDC Paragraph 9.21.2A(1)).
- **Context sensitive setback encroachment** – If a neighborhood or street exhibits a particular setback that does not meet the provisions of the Code, a lot may be eligible for a setback encroachment if the setback adheres to the character of that lot's neighborhood or street (see UDC Paragraph 9.21.2A(2)).
- **Required building frontage** – (minimum percentage of build-to) – reduction of up to 20% of required length (see UDC Paragraph 9.21.2A(3)).
- **Required building frontage** – (minimum percentage of build-to) – reduction of up to 20% of required length with construction of a frontage wall (see UDC Paragraph 9.21.2A(4)).
- **Required building frontage** – (minimum percentage of build-to) – allowance for a 0-foot setback for any expansion, modification, alteration or reconstruction of a building with a setback less than the required minimum setback as proscribed by this Code (see UDC Paragraph 9.21.2A(5)).
- **Maximum building setbacks** – allow for the setback to be determined by averaging the setback distance over the width of the building (see UDC Paragraph 9.21.2A(7)).

**Identify the physical impracticality that warrants an Administrative Deviation:**

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**9.21.4 Administrative Deviation Criteria**

**To approve an administrative deviation, the Planning Director shall make an affirmative finding that all of the following criteria are met:**

**Provide an explanation for the following criteria:**

- A. The request for an administrative deviation does not conflict with streets, sidewalks, easements or landscape requirements.**
  
- B. The request for an administrative deviation does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.**
  
- C. The request for an administrative deviation does not have an adverse impact on land use compatibility.**
  
- D. The request for an administrative deviation does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed.**

**E. The request for an administrative deviation will not have an adverse impact on the urban form and/or the street-space.**

**Lot Owner**

**Of Record:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
Mailing \_\_\_\_\_ City/ \_\_\_\_\_ Zip \_\_\_\_\_  
Address: \_\_\_\_\_ State \_\_\_\_\_ Code \_\_\_\_\_  
E-Mail \_\_\_\_\_ Mobile / Pager / \_\_\_\_\_  
Address: \_\_\_\_\_ Fax Phone: \_\_\_\_\_

**General**

**Contractor:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
Mailing \_\_\_\_\_ City/ \_\_\_\_\_ Zip \_\_\_\_\_  
Address: \_\_\_\_\_ State: \_\_\_\_\_ Code: \_\_\_\_\_  
E-Mail \_\_\_\_\_ Mobile / Pager / \_\_\_\_\_  
Address: \_\_\_\_\_ Fax Phone: \_\_\_\_\_

**Surveyor:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
Mailing \_\_\_\_\_ City/ \_\_\_\_\_ Zip \_\_\_\_\_  
Address: \_\_\_\_\_ State \_\_\_\_\_ Code: \_\_\_\_\_  
E-Mail \_\_\_\_\_ Mobile / Pager / \_\_\_\_\_  
Address: \_\_\_\_\_ Fax Phone: \_\_\_\_\_

**Engineer:** \_\_\_\_\_ Phone #: \_\_\_\_\_  
Mailing \_\_\_\_\_ City/ \_\_\_\_\_ Zip \_\_\_\_\_  
Address: \_\_\_\_\_ State \_\_\_\_\_ Code: \_\_\_\_\_  
E-Mail \_\_\_\_\_ Mobile / Pager / \_\_\_\_\_  
Address: \_\_\_\_\_ Fax Phone: \_\_\_\_\_

**I (we) \_\_\_\_\_, hereby make application for an Administrative Deviation as permitted by Article 9, Chapter 9.21 of the Memphis & Shelby County Unified Development Code. I (we), accept responsibility for any errors or omissions which may result in any delay of the encroachment being reviewed by the Memphis & Shelby County Office of Planning & Development. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.**

\_\_\_\_\_  
Signature of Legal Owner of Record

\_\_\_\_\_  
Date

**\*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**

**GUIDE FOR SUBMITTING  
ADMINISTRATIVE DEVIATION APPLICATION**

**A     THE APPLICATION:**

Submit one copy of the Administrative Deviation application (this form). All applicable items shall be completed and legibly printed or type-written.

**B     FILING FEE:**

A non-refundable check or money order in the amount of \$100.00 payable to the M/SC Office of Planning and Development.

**C     REGISTERED LAND SURVEYOR'S SURVEY:**

One copy of a survey (of recent origin showing everything existing on the subject property at the time of filing, and in no instance can it be over one year old) of the subject property, drawn to an engineering scale by a registered land surveyor (licensed in Tennessee), on 8 ½ x 11 inches sheets. The survey must indicate the dimensions and location of all existing structure(s) and improvement(s); property dimensions and amount of land area; dimensions and location of off-street parking facilities and curb cut(s); and the established setbacks of the existing structure(s) on the site and on the adjoining properties. (Please Note: The requirements for a survey may be waived by the Planning Director.)

**D     SITE PLAN:**

One copy of a site plan of the subject property, on 8 ½ x 11 inches sheets, drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions and arrangements of buildings on the property; the type and location of landscaping proposed; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site; and any proposed substantial regarding of the site and any significant topographical or physical features of the site including water courses or ponds. If the site plan is a recordable plat, sufficient space (3"x 2" rectangle area) shall be left on the plat to allow for an Administrative Deviation Certificate.

**E     ELEVATION DRAWINGS:**

One copy of the front, side, and/or rear elevations, as applicable of the existing and/or proposed structure(s), drawn to scale, on 8 ½ x 11 inches sheets, showing building(s) or structure(s) height(s). If the application consists of an existing building/structure and the applicant does not propose any exterior changes, then photographs may be furnished as follows: one copy showing building front and side elevations. Photographs should be 8 ½ x 11, or mounted on 8 ½ x 11 inches sheets (Please Note: The requirements for an elevation drawing may be waived by the Planning Director.)

**F     OWNERS CERTIFICATE:**

A signed, notarized owner's certificate is required to be submitted on a separate 8 ½ x 11 sheet with the application. (See example above)

**G     COMPACT DISC:**

A compact disc with all submitted application documents, saved and named separately in PDF format, and any proposed conditions, saved in WORD format. In lieu of submitting a compact disc, the application documents may be sent via electronic mail in PDF/WORD format to any planner in the Land Use Controls section (see OPD website).